

CRIMINAL PROCEEDINGS — U.S. DISTRICT COURT, EASTERN DISTRICT OF VIRGINIA: RICHMOND DIVISION

JUDGE: ROBERT E. PAYNE

DOCKET NO. 3:22-CR-104

REPORTER: MELISSA CUSTIS, OCR

DATE: DECEMBER 8, 2022

SENTENCING

UNITED STATES OF AMERICA

COUNSEL

v.

COREY BRANCH

WAYNE BARRY MONTGOMERY

APPEARANCES: GOVERNMENT ANGELA MASTANDREA-MILLER (☒)
DEFENDANT WITH COUNSEL (☒) DEFENDANT WITHOUT COUNSEL (☐)
DEFENDANT NOT PRESENT (☐) WAIVER OF APPEARANCE FILED (☐)
INTERPRETER _____ (☐)

BAIL STATUS OF DEFENDANT: ON BOND (☐) INCARCERATED (☒)

SENTENCING ON COUNT(S): ONE (☐) Criminal Information
(☒) Indictment (☐) Superseding Indictment

PRELIMINARY MATTERS: ARGUMENTS HEARD ON DEFENDANT'S MOTION FOR VARIANCE

SENTENCE (ECF 29) – MOTION DENIED

OBJECTIONS TO PSR: NONE; ACCEPTED & ADOPTED, FILED AS TENDERED – UNDER SEAL

STATEMENTS MADE BY: GOVERNMENT (☒) DEFENSE COUNSEL (☒) DEFENDANT (☒)

ON MOTION OF GOVERNMENT: (☐) INDICTMENT DISMISSED.
(☐) REMAINING COUNTS DISMISSED.

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: _____ BY: _____ A.M. / P.M.
(☐) IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFENDANT ADVISED OF RIGHT OF APPEAL within 14 days of today (☒)

DEFENDANT REMANDED TO CUSTODY (☒)

CASE SET: **2:30 P.M.** BEGAN: **2:24 P.M.** ENDED: **2:55 P.M.** TIME IN COURT: **31 MINS.**

CJA TIME: **31 MINS.**

PAGE TWO (2)**SENTENCE TEXT**

COUNT ONE IMPRISONMENT 9 * MOS. CONCURRENT () CONSECUTIVE ()
 * shall run consecutively to term imposed in 2:16-cr-165
 CREDIT FOR TIME SERVED ON THIS CHARGE ()

SUPERVISED RELEASE 3 YEAR(S)
 * shall run concurrently to term imposed in 2:16-cr-165
 PROBATION _____ YEAR(S)

FINE \$ _____ (☒) Fine not imposed

SPECIAL ASSESSMENT \$ 100.00 due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()
 SUPERVISED RELEASE _____ YEAR(S) CONCURRENT ()
 PROBATION _____ YEAR(S) CONCURRENT ()
 FINE \$ _____ () Fine not imposed
 SPECIAL ASSESSMENT \$ _____ due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()
 SUPERVISED RELEASE _____ YEAR(S) CONCURRENT ()
 PROBATION _____ YEAR(S) CONCURRENT ()
 FINE \$ _____ () Fine not imposed
 SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE ()

RESTITUTION ORDERED: _____

RECOMMENDATION(S) TO BOP:

() Designate defendant to a facility near family () Designate defendant to _____ FCI
 () SHOCK Incarceration Program () BRAVE Program
 () Educational / Vocational training () BOP 500-hr intensive drug treatment program
 () UNICOR program () with _____ portion of earnings directed to child support
 () OTHER: _____

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SPECIAL CONDITIONS of Probation / Supervised Release:

- ____ (1) Incur no new credit without approval of probation officer
- ____ (2) Provide probation officer with access to financial information
- ____ (3) Perform community service _____ HOURS during period of supervision
- ____ (4) Participate in drug/alcohol treatment; _____ Pay cost of treatment
- ____ (5) Participate in mental health treatment; _____ Pay cost of treatment
- ____ _____ Participate in anger management
- ____ (6) Participate in home confinement program for _____ with monitoring
- ____ Permitted to work, attend church, or other approved activities
- ____ Shall not maintain any devices or services that may interfere with proper functioning of electronic monitoring equipment
- ____ Maintain telephone without special features; no cordless phone
- ____ Pay costs of electronic monitoring
- ____ (7) Placement in a Community Confinement Center for _____ (term)
- ____ (8) Defendant to be surrendered to BICE for deportation proceedings
- ____ If deported, defendant to remain outside the United States
- ____ (10) Mandatory drug testing waived
- ____ Probation officer may still administer drug test if deemed appropriate
- ____ (11) Pay child support in amount ordered by social services or Court
- ____ (13) Serve intermittent confinement on weekends for a period of _____ DAYS
- ____ (14) No possession of pager, cellular telephone, or other handheld communication device
- ____ ✓ (15) Defendant shall pay any balance owed on the S/A imposed by the Court
- ____ ✓ Pay in installments of not less than \$ 25.00 per month [_____ or 25% of gross monthly income, whichever is greater] to begin 60 days after start of supervision until paid in full
- ____ (16) Waive all rights of confidentiality regarding mental health treatment (or other treatment) to allow release of information to Probation, etc.
- ____ (17) Commencing _____, and continuing for _____, defendant may operate a motor vehicle only for purposes of work and court, including travel to the Probation Office and alcohol treatment program
- ____ (18) Defendant to apply monies received from tax refunds, lottery winnings, settlements, and any anticipated or unexpected financial gains to the Court-ordered financial obligation

____ (---) **Other special conditions:**
